IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Harry Morris et al.   Art Unit   : 2151
Serial No. : 09/690,007   Examiner : Backhean Tiv
Filed   : October 17, 2000   Conf. No. : 1832
Title   : DISPLAYING ADVERTISEMENTS IN A COMPUTER NETWORK
             ENVIRONMENT

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
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<u>BRIEF ON APPEAL</u>

(1)   Real Party in Interest

The real party in interest is AOL LLC.

(2)   Related Appeals and Interferences

There are no related appeals or interferences.

(3)   Status of Claims

Claims 1-28, 55-57, and 64-75 are pending, with claims 1, 15, 55, and 75 being

independent. Claims 1-28, 55-57, and 64-75 have been rejected and are presently appealed, and

claims 29-54 and 58-63 have been cancelled.

(4)   Status of Amendments

The claims have not been amended subsequent to the final rejection.

(5)   Summary of Claimed Subject Matter

Independent claim 1 recites a method of presenting advertising to viewers in a computer

network environment. Application at page 7, lines 18-19. The method includes monitoring a

viewer's interactions with an associated computer system and determining an amount of time to

be used in later displaying advertisements on the viewer's associated computer system based on

the viewer's monitored interactions. Application at page 7, line 19 though page 8, line 3, page 8,

lines 6-8, page 10, line 20 through page 11, line 6, page 14, lines 12-18, page 15, lines 1-14, page

18, lines 1-10, page 20, lines 17-21, and page 29, line 8 through page 31, line 4. Based on the determined amount of time, an amount of display time for which a later displayed advertisement is to be displayed on the viewer's associated computer system is varied, where the varied amount of display time is different than an amount of display time for which the later displayed advertisement is to be displayed on another viewer's associated computer system. Application at page 7, line 20 though page 8, line 3, page 8, lines 6-8, page 9, line 20 through page 10, line 14, page 10, line 20 through page 11, line 6, page 14, lines 12-18, page 15, lines 1-14, page 18, lines 1-10, page 20, lines 17-21, and page 29, line 8 through page 31, line 4.

Independent claim 15 recites a computer-readable medium storing a program for presenting advertising to viewers in a computer network environment. Application at page 9, lines 1-5 and page 31, line 17 through page 32, line 14. The program includes a monitoring code segment that cause a computer to monitor a viewer's interactions with an associated computer system and a determining code segment that causes the computer to determine an amount of time to be used in later displaying advertisements on the viewer's associated computer system based on the viewer's monitored interactions. Application at page 7, line 19 though page 8, line 3, page 8, lines 6-8, page 10, line 20 through page 11, line 6, page 14, lines 12-18, page 15, lines 1-14, page 18, lines 1-10, page 20, lines 17-21, and page 29, line 8 through page 31, line 4. The program also includes an adjusting code segment that, based on the determined amount of time, causes the computer to vary an amount of display time for which a later displayed advertisement is to be displayed on the viewer's associated computer system, where the varied amount of display time is different than an amount of display time for which the later displayed advertisement is to be displayed on another viewer's associated computer system. Application at page 7, line 20 though page 8, line 3, page 8, lines 6-8, page 9, line 20 through page 10, line 14, page 10, line 20 through page 11, line 6, page 14, lines 12-18, page 15, lines 1-14, page 18, lines 1-10, page 20, lines 17-21, and page 29, line 8 through page 31, line 4.

Independent claim 55 recites a method of optimizing a click-through rate of a user viewing content in a computer network environment. Application at page 9, lines 11-12. The method includes downloading advertisements and a set of tuning parameters to a user's computer. Application at page 9, lines 13-14, page 15, lines 15-20, page 19, lines 20-23, and page 22, lines 6-19. The set of tuning parameters are configured to cause a display of a first

advertisement on the user's computer to be changed to a display of another advertisement on the user's computer by varying an amount of display time for which the later displayed advertisement is to be displayed based on a user's activity with respect to the user's computer, where the varied amount of display time is different than an amount of display time for which the later displayed advertisement is to be displayed on another viewer's associated computer system. Application at page 7, line 20 though page 8, line 3, page 8, lines 6-8, page 9, line 15 through page 10, line 14, page 10, line 20 through page 11, line 6, page 14, lines 12-18, page 15, lines 1-14, page 18, lines 1-10, page 20, lines 17-21, and page 29, line 8 through page 31, line 4. The method also includes storing click-through information for the advertisements and sending the click-through information to a host computer. Application at page 9, lines 14-15 and page 29, line 13 through page 31, line 4.

Independent claim 75 recites a method of displaying advertisements to users. Application at page 7, lines 18-19. The method includes accessing data related to a particular user's interactions with a computer system used by the particular user and, based on the accessed data related to the particular user's interactions with the computer system used by the particular user, determining an amount of time to display advertisements to the particular user. Application at page 7, line 19 though page 8, line 3, page 8, lines 6-8, page 10, line 20 through page 11, line 6, page 14, lines 12-18, page 15, lines 1-14, page 18, lines 1-10, page 20, lines 17-21, and page 29, line 8 through page 31, line 4. The method also includes identifying an advertisement to be displayed to the particular user and accessing, from electronic storage, advertisement display attributes configured to control display of the identified advertisement, where the advertisement display attributes include a general timing attribute that indicates an amount of time to display the advertisement to users. Application at page 7, line 20 though page 8, line 3, page 8, lines 6-8, page 9, line 20 through page 10, line 14, page 10, line 20 through page 11, line 6, page 14, lines 12-18, page 15, lines 1-14, page 18, lines 1-10, page 20, lines 17-21, and page 29, line 8 through page 31, line 4. The method further includes adjusting the general timing attribute based on the determined amount of time to display advertisements to the particular user and associating the adjusted general timing attribute with the advertisement to be displayed to the particular user as a user-specific timing attribute that indicates the amount of time to display the advertisement to the particular user. Application at page 7, line 20 though page 8, line 3, page 8, lines 6-8, page

9, line 20 through page 10, line 14, page 10, line 20 through page 11, line 6, page 14, lines 12-18, page 15, lines 1-14, page 18, lines 1-10, page 20, lines 17-21, and page 29, line 8 through page 31, line 4. The method includes causing a display of the advertisement to the particular user on the computer system used by the particular user such that the advertisement is displayed for the amount of time indicated by the user-specific timing attribute. Application at page 14, lines 12-18, page 18, lines 1-10, page 20, lines 17-21, and page 29, line 8 through page 30, line 19.

(6)   Grounds of Rejection to be Reviewed on Appeal

Claims 1-28, 55-57, and 64-75 were rejected under 35 U.S.C. § 103 as being unpatentable over Blumenau (U.S. Patent No. 6,108,637) in view of Guyot (U.S. Patent No. 6,119,098) and Cezar (U.S. Patent No. 6,128,651).

(7)   Argument

a.   Claims 1-28, 55-57, and 64-75 are not properly rejected under 35 U.S.C. § 103 as being unpatentable over Blumenau in view of Guyot and Cezar.

Appellant requests reversal of this rejection because Blumenau, Guyot, and Cezar, either singly or in combination, fail to describe or suggest the subject matter of independent claims 1, 15, 55, and 75, as described more fully below. In the argument below, Appellant discusses independent claims 1, 15, 55, and 75 in sequential order.

Independent Claim 1

The rejection of independent claim 1 should be reversed because Blumenau, Guyot, and Cezar, either singly or in combination, fail to describe or suggest at least two features of independent claim 1.

First, these references fail to describe or suggest varying <u>an amount of display time</u> for which a later displayed advertisement is to be displayed on a viewer's associated computer system <u>based on</u> an amount of time determined based on <u>the viewer's monitored interactions</u> with the viewer's associated computer system.

Specifically, the final Office Action of June 4, 2008 indicates that "the combination of Blumenau and Guyot does not expressly teach the process of varying an amount of display

time." See final Office Action of June 4, 2008 at page 4. The Office Action relies on Cezar for this feature.

However, although Cezar describes using timers to control an amount of display time of advertisements, Cezar does not describe varying the amount of time associated with the timers, much less varying the amount of time associated with the timers based on a viewer's monitored interactions with the viewer's associated computer system. Rather, the Cezar system enables an advertiser to assign a timer to an advertisement and the assigned timer is used to control an amount of time to display the advertisement to a viewer without regard for the viewer's interactions with a computer system. Therefore, Appellant submits that none of the cited references describe or suggest an amount of display time as being an attribute of an advertisement that is varied based on a viewer's monitored interactions with the viewer's associated computer system. Accordingly, Appellant submits that each of Blumenau, Guyot, and Cezar, either singly or in combination, fail to describe or suggest varying an amount of display time for which a later displayed advertisement is to be displayed on a viewer's associated computer system based on an amount of time determined based on the viewer's monitored interactions with the viewer's associated computer system, as recited in independent claim 1.

Second, these references fail to describe or suggest that a varied amount of display time for which a later displayed advertisement is to be displayed on a viewer's associated computer system is different than an amount of display time for which the later displayed advertisement is to be displayed on another viewer's associated computer system, as recited by independent claim 1.

Specifically, as indicated in the final Office Action of June 4, 2008, "the combination of Blumenau and Guyot does not expressly teach the process of varying an amount of display time." See final Office Action of June 4, 2008 at page 4. The Office Action relies on Cezar for this feature.

However, at most, Cezar describes controlling the display time of an advertisement for all viewers of the advertisement. In other words, Cezar, at most, describes the display time being the same for all viewers.

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Specifically, Cezar is directed to a system configured to provide the display of an advertisement for a guaranteed, minimum timed interval. See Cezar at Abstract. To that end, each advertisement is associated with an individual timer that is used to control the display time of that advertisement to all users. See Cezar at col. 2, lines 34-53. As such, the associated advertisement is displayed on all of the viewers' computer systems for the same predefined time. Therefore, none of the cited references describe or suggest that an amount of display time for the same advertisement differs among viewers of the advertisement. Accordingly, Blumenau, Guyot, and Cezar, either singly or in combination, fail to describe or suggest that the varied amount of display time is different than an amount of display time for which the later displayed advertisement is to be displayed on another viewer's associated computer system, as recited by independent claim 1.

Furthermore, with regard to the proposed combination of Blumenau, Guyot, and Cezar, Appellant notes that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.'" See In re Kahn, 441 F. 3d 977, 988 (Fed. Cir. 2006). "A factfinder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of argument reliant upon ex post reasoning." *KSR Int'l v. Teleflex Inc.*, 82 USPQ 2d 1385, at 1397 (2007). In the present instance, the statements provided by in the Office Action to support the proposed combination are insufficient to support an obviousness determination. Specifically, to arrive at the rejection, the Examiner merely cites to various portions of the applied references and states in a conclusory manner that it would be obvious to modify the teachings of the applied references to meet a feature of the claims, which the Examiner admits is not taught by the applied references. See final Office Action of June 4, 2008 at pages 4-5. In particular, the final Office Action indicates that none of the cited references "teach the varied amount of display time being different than an amount of display time for which the later displayed advertisement is to be displayed on another viewer's associated computer system." Final Office Action of June 4, 2008 at pages 4-5. Yet, the final Office Action suggests that modifying the references to include this feature would be appropriate without providing any reason as to why this is appropriate.

Furthermore, without citing to any teaching in the prior art, the final Office Action indicates that:

> One ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Blumenau, Guyot, Cezar, and customizing advertisements in order to tailor content to be displayed to a user based on user preferences and/or actions. final Office Action of June 4, 2008 at page 6.

As illustrated by this portion, the final Office Action does not provide any support in the prior art or any reason why one of ordinary skill in the art would be motivated to combine the teachings of the Blumenau, Guyot, and Cezar and modify those teachings in the manner set forth in the final Office Action. Therefore, the statements provided in the Office Action to support the proposed combination are insufficient to support an obviousness determination and are based on impermissible hindsight gleaned from Appellant's specification. Thus, a *prima facie* case of obviousness has not been shown.

For at least the reasons discussed above, Appellant respectfully requests reversal of the rejection of independent claim 1 and its dependent claims.

Independent Claim 15

Independent claim 15 recites a computer program for presenting advertising to viewers in a computer network environment in a manner corresponding to that of independent claim 1. Accordingly, for at least the reasons described above with respect to independent claim 1, Appellant respectfully requests reversal of the rejection of independent claim 15 and its dependent claims.

Independent Claim 55

Further, independent claim 55 recites a method of optimizing a click-through rate of a user viewing content in a computer network environment that includes, among other things, varying an amount of display time for which an advertisement is to be displayed based on a user's activity with respect to the user's computer, the varied amount of display time being different than an amount of display time for which the later displayed advertisement is to be displayed on another viewer's associated computer system. Accordingly, for at least the reasons

described above with respect to independent claim 1, Appellant respectfully requests reversal of the rejection of independent claim 55 and its dependent claims.

Independent Claim 75

With respect to claim 75, independent claim 75 recites, among other things, determining an <u>amount of time</u> to display advertisements to <u>a particular user based on</u> accessed data related to the <u>particular user's interactions</u> with a computer system used by the particular user, <u>adjusting a general timing attribute</u> that indicates an amount of time to display an advertisement to users based on the determined amount of time to display advertisements to the particular user, and <u>associating</u> the adjusted general timing attribute with the advertisement to be displayed to the particular user as <u>a user-specific timing attribute</u> that indicates <u>the amount of time to display</u> the advertisement <u>to the particular user</u>. As discussed above with respect to independent claim 1, Blumenau, Guyot, and Cezar, either singly or in combination, fail to describe or suggest varying an amount of display time for which a later displayed advertisement is to be displayed on a viewer's associated computer system based on an amount of time determined based on the viewer's monitored interactions with the viewer's associated computer system, where the varied amount of display time is different than an amount of display time for which the later displayed advertisement is to be displayed on another viewer's associated computer system. Therefore, for reasons similar to those discussed above with respect to claim 1, Appellant submits that Blumenau, Guyot, and Cezar, either singly or in combination, also fail to describe or suggest determining an <u>amount of time</u> to display advertisements to <u>a particular user based on</u> accessed data related to the <u>particular user's interactions</u> with a computer system used by the particular user, <u>adjusting a general timing attribute</u> that indicates an amount of time to display an advertisement to users based on the determined amount of time to display advertisements to the particular user, and <u>associating</u> the adjusted general timing attribute with the advertisement to be displayed to the particular user as <u>a user-specific timing attribute</u> that indicates <u>the amount of time to display</u> the advertisement <u>to the particular user</u>.

For at least these reasons, Appellant respectfully requests reversal of the rejection of independent claim 75.

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Dependent Claims 5, 6, 7, 19, 20, 21, and 56

With respect to dependent claims 5, 6, 7, 19, 20, 21, and 56, Appellant requests reversal of the rejection of claims 5, 6, 7, 19, 20, 21, and 56 at least for the reason of their dependency on one of claims 1, 15, and 55. In addition, Appellant requests reversal of the rejection of claims 5, 6, 7, 19, 20, 21, and 56 because Blumenau, Guyot, and Cezar, either singly or in combination, fail to describe or suggest the additional subject matter recited in dependent claims 5, 6, 7, 19, 20, 21, and 56.

Dependent Claims 5 and 19

For example, dependent claim 5 recites, among other things, adjusting an idle delay configured to cause a delay from the time a user has gone idle before a first advertisement is replaced with another advertisement.

The Office Action relies on Guyot for this feature, referring to col. 5, lines 6-17 and col. 7, lines 49-56. The identified portions of Guyot, however, merely describe switching to a screen saver mode when the system has been idle for a predetermined length of time. Appellant submits that switching to a screen saver mode based on passage of a predetermined length of time in which a user has been idle does not describe or suggest adjusting an idle delay configured to cause a delay from the time a user has gone idle before a first advertisement is replaced with another advertisement. Accordingly, the identified portions (or any other portions) of Guyot fail to describe or suggest adjusting an idle delay configured to cause a delay from the time a user has gone idle before a first advertisement is replaced with another advertisement, as recited in claim 5. Therefore, Appellant respectfully requests reversal of the rejection of claim 5 for at least these additional reasons.

Claim 19 recites a computer program for presenting advertising to viewers in a computer network environment in a manner corresponding to that of claim 5. Accordingly, for at least the additional reasons described above with respect to claim 5, Appellant respectfully requests reversal of the rejection of claim 19.

Dependent Claims 6 and 20

In another example, dependent claim 6 recites, among other things, adjusting an active delay configured to cause a delay from the time a user goes active before displaying another advertisement.

The Office Action relies on Guyot for this feature, referring to col. 5, lines 6-17 and col. 7, lines 49-56. The identified portions of Guyot, however, merely describe switching to a screen saver mode when the system has been idle for a predetermined length of time. Accordingly, the identified portions of Guyot relate to a situation in which a user has been idle, rather than a situation in which a user becomes active. Thus, Appellant submits that switching to a screen saver mode based on passage of a predetermined length of time in which a user has been idle does not describe or suggest adjusting an active delay configured to cause a delay from the time a user goes active before displaying another advertisement. As such, the identified portions (or any other portions) of Guyot fail to describe or suggest adjusting an active delay configured to cause a delay from the time a user goes active before displaying another advertisement. Therefore, Appellant respectfully requests reversal of the rejection of claim 6 for at least these additional reasons.

Claim 20 recites a computer program for presenting advertising to viewers in a computer network environment in a manner corresponding to that of claim 6. Accordingly, for at least the additional reasons described above with respect to claim 6, Appellant respectfully requests reversal of the rejection of claim 20.

Dependent Claims 7 and 21

In yet another example, dependent claim 7 recites, among other things, adjusting an idle (no spin) parameter configured to stop the display of a first advertisement from being replaced with the display of another advertisement after a user goes idle.

The Office Action relies on Guyot for this feature, referring to col. 5, lines 6-17 and col. 7, lines 49-67. The identified portions of Guyot, however, merely describe switching to a screen saver mode when the system has been idle for a predetermined length of time. Appellant submits that switching to a screen saver mode based on passage of a predetermined length of time in which a user has been idle does not describe or suggest adjusting an idle (no spin) parameter configured to stop the display of a first advertisement from being replaced with the display of another advertisement after a user goes idle. Rather, the Guyot system merely switches to a screen saver mode after a predetermined length of idle time without stopping the display of an advertisement from being replaced after the user goes idle. Therefore, the identified portions (or any other portions) of Guyot fail to describe or suggest adjusting an idle

(no spin) parameter configured to stop the display of a first advertisement from being replaced with the display of another advertisement after a user goes idle. Accordingly, Appellant respectfully requests reversal of the rejection of claim 7 for at least these additional reasons.

Claim 21 recites a computer program for presenting advertising to viewers in a computer network environment in a manner corresponding to that of claim 7. Accordingly, for at least the additional reasons described above with respect to claim 7, Appellant respectfully requests reversal of the rejection of claim 21.

Dependent Claim 56

Dependent claim 56 recites, among other things, varying tuning parameters downloaded to a user's computer, and utilizing a correlation technique to determine a correlation between the tuning parameters downloaded to the user's computer and a click-through rate of the user.

The Office Action relies on Blumenau for this feature, referring to col. 14, lines 7-19, col. 16, lines 13-38, col. 17, lines 24-35, and col. 18, lines 38-56. Col. 14, lines 7-19 of Blumenau describes determining whether content is hidden from view, col. 16, lines 13-38 of Blumenau describes monitoring events to determine a position of an on-screen pointer, col. 17, lines 24-35 of Blumenau describes determining whether a user selected a hyperlink to end display of the current content, and col. 18, lines 38-56 of Blumenau describes monitoring information regarding whether or not content was hidden or the frequency of display of the content at different times and determining the best location on a display screen or the best times to display the content. As such, the identified portions of Blumenau do not describe varying tuning parameters downloaded to a user's computer, much less determining a correlation between the varied tuning parameters downloaded to the user's computer and a click-through rate of the user. Therefore, Appellant respectfully requests reversal of the rejection of claim 56 for at least these additional reasons.

b.   **Conclusion and Relief**

For the foregoing reasons, Appellant requests reversal of the pending rejections. In accordance with Appellant's Notice of Appeal filed October 1, 2008, Appellant submits this Appeal Brief. The fee in the amount of $540.00 in payment of the brief fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. The Director is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17
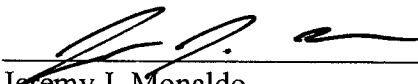
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which may be required by this paper to Deposit Account No. 06-1050. The Director also is

hereby authorized to apply any additional fees or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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Appendix of Claims

1. (Previously presented) A method of presenting advertising to viewers in a computer network environment, the method comprising:

 monitoring a viewer's interactions with an associated computer system;

 determining an amount of time to be used in later displaying advertisements on the viewer's associated computer system based on the viewer's monitored interactions; and

 based on the determined amount of time, varying an amount of display time for which a later displayed advertisement is to be displayed on the viewer's associated computer system, the varied amount of display time being different than an amount of display time for which the later displayed advertisement is to be displayed on another viewer's associated computer system.

2. (Previously presented) The method of claim 1, further comprising adjusting an ad expiration tuning parameter configured to set a quantity of time for which an advertisement is available for display.

3. (Previously presented) The method of claim 1, further comprising adjusting a maximum display count configured to set a maximum number of times to display an advertisement to a user viewing a batch of ads.

4. (Previously presented) The method of claim 1, wherein varying the amount of display time for which the later displayed advertisement is displayed comprises adjusting a minimum display time configured to set a minimum amount of time to display the later displayed advertisement before another advertisement is displayed.

5. (Previously presented) The method of claim 1, wherein further comprising adjusting an idle delay configured to cause a delay from the time a user has gone idle before a first advertisement is replaced with another advertisement.

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6. (Previously presented) The method of claim 1, further comprising adjusting an active delay configured to cause a delay from the time a user goes active before displaying another advertisement.

7. (Previously presented) The method of claim 1, further comprising adjusting an idle (no spin) parameter configured to stop the display of a first advertisement from being replaced with the display of another advertisement after a user goes idle.

8. (Previously presented) The method of claim 1, wherein monitoring the viewer's interactions with the associated computer system comprises monitoring a use of a computer mouse.

9. (Previously presented) The method of claim 1, wherein monitoring the viewer's interactions with the associated computer system comprises monitoring a use of a computer keyboard.

10. (Previously presented) The method of claim 1, wherein monitoring the viewer's interactions with the associated computer system comprises monitoring an auditory signal.

11. (Original) The method of claim 10, wherein the auditory signal is the viewer's voice.

12. (Previously presented) The method of claim 1, wherein monitoring the viewer's interactions with the associated computer system comprises monitoring a maximization and a minimization status of a screen displaying advertising.

13. (Previously presented) The method of claim 1, wherein monitoring the viewer's interactions with the associated computer system comprises monitoring a viewer's use of a device that sends an input, or causes an input to be sent, to the associated computer system.

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14. (Original) The method of claim 1, wherein the timing of displayed advertisements on a screen displaying advertising is configured to not switch between advertisements if the screen displaying advertisements is minimized or occluded.

15. (Previously presented) A computer-readable medium storing a program for presenting advertising to viewers in a computer network environment, the program comprising:

a monitoring code segment that cause a computer to monitor a viewer's interactions with an associated computer system;

a determining code segment that causes the computer to determine an amount of time to be used in later displaying advertisements on the viewer's associated computer system based on the viewer's monitored interactions; and

an adjusting code segment that, based on the determined amount of time, causes the computer to vary an amount of display time for which a later displayed advertisement is to be displayed on the viewer's associated computer system, the varied amount of display time being different than an amount of display time for which the later displayed advertisement is to be displayed on another viewer's associated computer system.

16. (Previously presented) The computer-readable medium of claim 15, wherein the adjusting code segment further causes the computer to adjust an ad expiration tuning parameter that sets the quantity of time for which an advertisement is available for display.

17. (Previously presented) The computer-readable medium of claim 15, wherein the adjusting code segment further causes the computer to adjust a maximum display count that sets a maximum number of times to display an advertisement to any individual user viewing a batch of advertisements.

18. (Previously presented) The computer-readable medium of claim 15, wherein the adjusting code segment causes the computer to adjust a minimum display time that sets a minimum amount of time to display an advertisement before another advertisement is displayed.

19. (Previously presented) The computer-readable medium of claim 15, wherein the adjusting code segment further causes the computer to adjust an idle delay that causes a delay from the time a user has gone idle before a first advertisement is replaced with another advertisement.

20. (Previously presented) The computer-readable medium of claim 15, wherein the adjusting code segment further causes the computer to adjust an active delay that causes a delay from the time a user goes active before displaying another advertisement.

21. (Previously presented) The computer-readable medium of claim 15, wherein the adjusting code segment further causes the computer to adjust an idle (no spin) parameter that stops the display of a first advertisement from being replaced with the display of another advertisement after a user goes idle.

22. (Previously presented) The computer-readable medium of claim 15, wherein the monitoring code segment causes the computer to monitor a viewer's interactions with an associated computer system by monitoring a use of a computer mouse.

23. (Previously presented) The computer-readable medium of claim 15, wherein the monitoring code segment causes the computer to monitor a viewer's interactions with an associated computer system by monitoring a use of a computer keyboard.

24. (Previously presented) The computer-readable medium of claim 15, wherein the monitoring code segment causes the computer to monitor a viewer's interactions with an associated computer system by monitoring a maximization and a minimization status of a screen displaying advertising.

25. (Previously presented) The computer-readable medium of claim 15, wherein the monitoring code segment causes the computer to monitor a viewer's interactions with an

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associated computer system by monitoring a viewer's use of a device that sends an input, or causes an input to be sent, to the associated computer system.

26. (Previously presented) The computer-readable medium of claim 15, wherein the monitoring code segment causes the computer to monitor a viewer's auditory interactions with an associated computer system by monitoring auditory signals.

27. (Previously presented) The computer-readable medium of claim 26, wherein the auditory signal is the viewer's voice.

28. (Previously presented) The computer-readable medium of claim 15, wherein the timing of displayed advertisements on a screen displaying advertising is configured to not switch between advertisements if the screen displaying advertisements is minimized or occluded.

29-54. (Canceled)

55. (Previously presented) A method of optimizing a click-through rate of a user viewing content in a computer network environment, the method comprising:
downloading advertisements and a set of tuning parameters to a user's computer, wherein the set of tuning parameters are configured to cause a display of a first advertisement on the user's computer to be changed to a display of another advertisement on the user's computer by varying an amount of display time for which the later displayed advertisement is to be displayed based on a user's activity with respect to the user's computer, the varied amount of display time being different than an amount of display time for which the later displayed advertisement is to be displayed on another viewer's associated computer system;
storing click-through information for the advertisements; and
sending the click-through information to a host computer.

56. (Previously presented) The method of claim 55, further comprising:
varying the tuning parameters downloaded to the user's computer; and

utilizing a correlation technique to determine a correlation between the tuning parameters downloaded to the user's computer and a click-through rate of the user.

57. (Original) The method of claim 56, further comprising setting another set of tuning parameters based on the correlation between the tuning parameters and the user click-through rate.

58-63. (Canceled)

64. (Previously presented) The method of claim 1, wherein monitoring the viewer's interactions with the associated computer system includes continually monitoring, during operation of the associated computer system, the viewer's interactions with the associated computer system.

65. (Previously presented) The method of claim 1, wherein monitoring the viewer's interactions with the associated computer system includes monitoring the viewer's interactions with the associated computer system that are unrelated to a manual adjustment of the timing of the displayed advertisements.

66. (Previously presented) The method of claim 1, wherein adjusting the timing of the later displayed advertisements includes varying lengths of time during which the advertisements are displayed on an advertisement-by-advertisement basis.

67. (Previously presented) The computer-readable medium of claim 15, wherein the monitoring code segment causes the computer to monitor continually, during operation of the associated computer system, the viewer's interactions with the associated computer system.

68. (Previously presented) The computer-readable medium of claim 15, wherein the monitoring code segment causes the computer to monitor continually, during operation of the

associated computer system, the viewer's interactions with the associated computer system that are unrelated to a manual adjustment of the timing of the displayed advertisements.

69. (Previously presented) The computer-readable medium of claim 15, wherein the adjusting code segment causes the computer to adjust the timing of the later displayed advertisements by varying lengths of time during which the advertisements are displayed on an advertisement-by-advertisement basis.

70. (Previously presented) The method of claim 55, wherein the tuning parameters are configured to vary lengths of time during which the advertisements are displayed on an advertisement-by-advertisement basis.

71. (Previously presented) The method of claim 1 wherein monitoring a viewer's interactions comprises monitoring a viewer's interactions other than interactions indicating an amount of display time for which a later displayed advertisement is to be displayed on the viewer's associated computer system.

72. (Previously presented) The method of claim 1 monitoring a viewer's interactions comprises monitoring a viewer's interactions with an application operating on the viewer's associated computer system, the application being other than an application for indicating an amount of display time for which a later displayed advertisement is to be displayed on the viewer's associated computer system.

73. (Previously presented) The computer-readable medium of claim 15 wherein the monitoring code segment causes the computer to monitor a viewer's interactions other than interactions indicating an amount of display time for which a later displayed advertisement is to be displayed on the viewer's associated computer system.

74. (Previously presented) The computer-readable medium of claim 15 wherein the monitoring code segment causes the computer to monitor a viewer's interactions with an

application operating on the viewer's associated computer system, the application being other than an application for indicating an amount of display time for which a later displayed advertisement is to be displayed on the viewer's associated computer system.

75. (Previously presented) A method of displaying advertisements to users, the method comprising:

accessing data related to a particular user's interactions with a computer system used by the particular user;

based on the accessed data related to the particular user's interactions with the computer system used by the particular user, determining an amount of time to display advertisements to the particular user;

identifying an advertisement to be displayed to the particular user;

accessing, from electronic storage, advertisement display attributes configured to control display of the identified advertisement, the advertisement display attributes including a general timing attribute that indicates an amount of time to display the advertisement to users;

adjusting the general timing attribute based on the determined amount of time to display advertisements to the particular user;

associating the adjusted general timing attribute with the advertisement to be displayed to the particular user as a user-specific timing attribute that indicates the amount of time to display the advertisement to the particular user; and

causing a display of the advertisement to the particular user on the computer system used by the particular user such that the advertisement is displayed for the amount of time indicated by the user-specific timing attribute.

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Evidence Appendix

None.

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Related Proceedings Appendix

None.